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REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

Note by the United Nations High Commissioner for Human Rights

The High Commissioner for Human Rights has the honour to transmit to the members of the Commission on Human Rights the report of the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme, which took place in Geneva from 5 to 9 June 2000.

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Annex

REPORT OF THE MEETING OF SPECIAL RAPPORTEURS/REPRESENTATIVES, EXPERTS AND CHAIRPERSONS OF WORKING GROUPS OF THE SPECIAL PROCEDURES OF THE COMMISSION ON HUMAN RIGHTS AND OF THE ADVISORY SERVICES PROGRAMME

Geneva, 5 - 9 June 2000

Rapporteur: Mr. Rajsoomer Lallah

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Introduction

1. The meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures and the advisory services programme of the Commission on Human Rights was organized as a follow-up to the World Conference on Human Rights and to the previous six meetings which have been held on an annual basis since 1994. The Vienna Declaration and Programme of Action, in its section entitled "Implementation and monitoring methods", underlined "the importance of preserving and strengthening the system of special procedures" and specified that "the procedures and mechanisms should be enabled to harmonize and rationalize their work through periodic meetings" (Part II, para. 95).

2. The present meeting had before it a provisional agenda with annotations prepared by the secretariat. It also had before it a series of documents prepared by the secretariat.

3. The list of mandates of the special procedures mechanisms of the Commission on Human Rights is provided in appendix I; the list of participants at the seventh annual meeting is given in appendix II.

4. Following the example of previous meetings, representatives of the Bureau of the fifty-sixth session of the Commission on Human Rights were invited to participate in the deliberations on agenda item 9 (see para. 9 below). Pursuant to a recommendation made at the sixth annual meeting, participants held a joint meeting with participants of the twelfth meeting of chairpersons of the treaty bodies.

I. ORGANIZATION OF WORK

A. Opening of the meeting and address by the Chairperson of the sixth meeting

5. The meeting was opened by Sir Nigel Rodley, the Chairperson of the sixth meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the Commission on Human Rights and of the advisory services programme. He surveyed the activities he had undertaken during the past year in his capacity as chairperson and announced the names of the special rapporteurs/ representatives, experts and chairpersons of working groups of the Commission on Human Rights and of the advisory services programme who had stepped down, those who had replaced them and those who had been nominated since the last meeting. The participants thanked Sir Nigel for his continued commitment and availability since the last meeting.

6. Sir Nigel noted that he had undertaken one principal activity since the last meeting: to follow the work of the open-ended working group on the review of mechanisms of the Commission on Human Rights, to contribute to its debates and to monitor progress in its work. Mona Rishmawi, Chairperson of the fifth annual meeting, had attended the working group's first meeting in September 1999. He attended the session in December 1999, and he and Ms. Rishmawi had attended the final session in February 2000. The report of the open-ended working group was made available to the participants. He had also issued a press release after the adption of the advisory opinion in the case of Mr. Param Cumaraswamy by the International Court of Justice.

7. Sir Nigel emphasized that the working group had not produced radical solutions as far as the special procedures mandates were concerned, although it had introduced term limits for mandate holders. Two mandates - structural adjustment and foreign debt - had been merged. He had sensed in some of the interventions made in the working group some muted negative attitudes vis-à-vis the work of the special procedures system, but this was fortunately absent from the final report of the working group, whose *tone was positive*.

8. Sir Nigel noted the concerns about the elaboration of a specific code of conduct for special rapporteurs. This issue had been raised repeatedly in the open-ended working group, but its report only called upon the special procedures mandate holders to monitor the progress on a general code of conduct for experts on mission other than Secretariat officials, at present pending adoption by the General Assembly.

B. Address made on behalf of the High Commissioner for Human Rights

9. On behalf of the High Commissioner, the Deputy High Commissioner (DHC) thanked all the special rapporteurs and experts for their commitment in carrying out the important functions assigned to them by the Commission on Human Rights, often under very difficult circumstances. He outlined the actions of the High Commissioner's Office undertaken with a view to assisting the system of special procedures to become more effective, and offered some thoughts on the place and importance of the system of special procedures in the overall United Nations human rights programme.

10. The DHC recalled the history of the investigative human rights mechanisms of the Commission and the Third Committee of the General Assembly from the inception of an investigative mechanism in 1951 to the mide-1970s. The idea of establishing the mandates of rapporteurs with monitoring responsibilities, to succeed the resource-intensive activities of working groups then in operation, had been introduced by the then Director of the Division for Human Rights in 1978. Since that time, the special procedures of the Commission had come a long way.

11. The DHC reiterated that the special procedures system had become an important part of the human rights armoury of the Organization. He imagined the following, non-exhaustive, roles for the rapporteurs in the future:

- An important role in studying general issues of relevance to the respective mandates;
- An important role in the study of the content of laws;
- A role in fact-finding and monitoring of human rights violations;
- A role in the prevention of human rights violations;
- An important good offices role on behalf of victims of human rights violations;
- Generating attention about certain human rights issues;
- Helping to bring the presence of the international community to the assistance of those in need; and
- Generating new strategies for the protection of human rights.

12. The DHC emphasized the need for a holistic approach to the protection and promotion of human rights; thus, whereas the Commission's emphasis had been on civil and political rights in the past, its new emphasis on economic, social and cultural rights was both reasonable and necessary. This said, the DHC recongized that the new biennium budget allocated specific - limited - resources ro each mandate per year. The High Commissioner, in her recently launched Annual Appeal 2000, had appealed for more money for better servicing of the special procedures system. The situation in the servicing of mandates was admittedly unsatisfactory, and he agreed in principle that the mandates deserved additional resources and that more resources should be moved towards the treaty bodies and the special procedures, as well as to the petition procedures. The DHC reaffirmed the importance of the special procedures system, which was one of the pillars of the High Commissioner's strategy.

13. On the other hand, it was clear that the securing of resources through the Annual Apeal process would require time, and the Office could not produce miracles with the available financial resources. In short, the DHC suggested, the Office of the High Commissioner and the mandate holders were "in the

same boat", and should look together for imaginative solutions to a difficult financial and resource situation.

14. The participants thanked the Deputy High Commissioner for his warm words of solidarity, his candour, and for the actions he and the High Commissioner had taken and continued to take to support their work.

C. Election of officers

15. Ms. Katarina Tomasevski was elected Chairperson and Mr. Rajsoomer Lallah was elected Rapporteur of the seventh meeting.

D. Adoption of the agenda

16. The meeting adopted the following agenda:

Agenda

1. Organization of work:
   - (a) Introductory statement by the Chairperson of the sixth annual meeting;
   - (b) Introductory statement on behalf of the High Commissioner;
   - (c) Election of officers;
   - (d) Adoption of the agenda.
2. Capacity-building and enhancement of the effectiveness of the special procedures system:
   - (a) Follow-up to the study by Mona Rishmawi and Thomas Hammarberg;
   - (b) Matters arising from the decision of the Commission on Human Rights on the review of mechanisms;
   - (c) Follow-up to the recommendations of the special rapporteurs.
3. Support services:
   - (a) Administrative issues, including the issue of insurance; explanation of the new IMIS procedure;
   - (b) Presentation of the new thematics database.
4. Corporate responsibility for human rights violations.
5. Monitoring (special procedures) mechanisms.
6. Improving the work of the special procedures mechanisms on human rights defenders.
7. Consultations between mandate holders and NGO representatives.

8. Joint meeting of the chairpersons of treaty bodies and special procedures mandate holders.

9. Consultation with the Bureau of the fifty-sixth session of the Commission on Human Rights.

10. Exchange of information and experiences between special procedures mandate holders.

11. Adoption of the conclusions and recommendations of the seventh annual meeting.

II. CAPACITY-BUILDING AND ENHANCEMENT OF THE EFFECTIVENESS OF THE SPECIAL PROCEDURES SYSTEM

A. Folllow-up to the study prepared by Mona Rishmawi and Thomas Hammarberg

17. The discussion under this item was based on the study on the strengthening of the special procedures mechanisms, completed by Ms. Rishmawi and Mr. Hammarberg in July 1999, and on the report of the open-ended working group on the review of mechanisms of the Commission on Human Rights(E/CN.4/2000/112), adopted on 11 February 2000. Participants also had before them the report of the High Commissioner to the Commission on Human Rights and draft guiding principles for the use of special rapporteurs.

18. In respect of the Rishmawi/Hammarberg report, one participant asked what follow-up had been given to the recommendations of the authors. The secretariat indicated that out of the report's five principal recommendations, two had been implemented. Firstly, a "quick reponse desk" had been set up in early 2000 and was being staffed in the thematic mechanisms team of the Office. A small team of lawyers to address and handle urgent appeals had been set up. One participant signalled the necessity for the coordinator of the quick response desk to be in constant touch with permanent missions and to transmit, in case of doubt, any requests for urgent action as expeditiously as possible to the respective rapporteurs.

19. Secondly, a thematic database had been developed and was now in the process of being tested. This database was expandable, and it was planned to extend it to all special procedures mandates eventually. Participants stressed the vital importance of a comprehensive database, whose operation was viewed as potentially revolutionizing the activities of mandate holders.

20. Participants were also briefed about the status of the other three recommendations - emergency response capacity, improved follow-up, strengthening the Office of the High Commissioner. No particular progress in the implementation of these recommendations had been made since their endorsement by the High Commissioner, in particular in respect of the issue of additional resources for the system. Participants requested that the status of implementation of the study's recommendations be documented in written form and circulated to them in advance of the eighth meeting of the rapporteurs in 2001.

21. Several participants regretted that no additional professional assistance had been or was being made available to them in the discharge of their mandate, in spite of repeated requests and given the considerable scope of their activities. Some participants renewed their complaints that even the Professional staff assigned to assist them do so on a part-time basis and have many other responnsbilities, with the result that they do not receive the extent of assistance which the enabling

resolution of the Commission requires the Secretary-General to provide to the special rapporteurs and independent experts. Others complained that the Professionals assisting them in the discharge of their mandates had been reassigned to other functions in the Office of the High Commissioner, without consulting or even notifying them.

22. On the issue of follow-up to recommendations, one participant noted that the "implementability" of the rapporteurs' and experts' recommendations was of crucial importance and should be added to the agenda of future annual meetings. Unimplementable recommendations did not enhance the credibility of the special procedures system, and an exchange between mandate holders on "best practices" in this respect would be useful.

23. One participant commented that a principal problem with his mandate was that of "scaling up", in the sense that he faced difficulties in linking his activities to those of major development agencies or of the international financial institutions. The Office of the High Commissioner for Human Rights had strategic entry points to these agencies, it should study the political dynamics of relations with the development agencies and inform the respective mandate holders of the results as soon as possible. Another participant suggested from the perspective of his relatively recent tenure that a comprehensive briefing programme for new rapporteurs should be instituted by the Office of the High Commissioner - this had indeed been a recommendation of the Rishmawi/Hammerberg study - and implemented on a regular and consistent basis. As much official documentation as was available should be transmitted to new mandate holders in advance of annual meetings.

B. Matters arising from the decision of the Commission on the review of mechanisms

24. Participants had before them the report of the open-ended working group of the Commission on Human Rights on the review of mechanisms of the Commission (E/CN.4/2000/112). Some participants observed that the report gave the impression that there was a shift from "protection" to "cooperation" which was likely to encourage restrictive forces with regard to the nature and the integrity of the special procedures of the Commission and the independence of its rapporteurs and experts.

25. Concern was expressed by several participants over paragraph 30 of the report which requires special procedures mandate holders to transmit their mission reports to the Governments concerned sufficiently in advance of the session of the Commission, to give them reasonable time for comments, and to reproduce the Government's reply simultaneously as an official document of the Commission. This meant that rapporteurs ran the risk of submitting reports at an early stage which, by the time of their discussion in the Commission, would already be out of date; this was why the Chairperson of the sixth meeting of the special rapporteurts had questioned the raison d'être of this paragraph during the final meeting of the working group. The method envisaged in the paragraph was not of a nature to facilitate the work of the rapporteurs and was liable to jeopardize their independence.

26. Participants observed that they were answerable to the Commission and its membership. In this sense there was a link between paragraphs 29 and 30 and the need for the members of the Commission and of the Governments concerned to be apprised of the contents of mission reports as early as possible. Participants acknowledged that the secretariat faced many difficulties in having all reports edited and translated in time for Governments to make appropriate contributions to the work of the Commission. The participants therefore considered that:

- on the one hand, the report on a country visit should be transmitted to the Government concerned at the same time it is submitted for editing and translation by the Conferences Services Division of the Secretariat; and

on the other hand, the observations, if any, of the Governments concerned on country visits should be issued as separate official documents of the Commission, to be circulated to all delegations.

Participants wished to bring their consensual interpretation of paragraph 30 of the working group's report to the attention of the Commission; they also noted that the more general reference to advance availability of unedited versions of reports in paragraph 29 of the working group's report would tend to support their position.

27. Some participants deplored the fact that their reports, submitted on time and within the time limits imparted by the Secretariat, were still only made available to the members of the Commission at the last possible moment, thereby exposing the rapporteurs/experts to criticism from the Governments concerned. They noted that more flexibility in the processing of reports, and government replies, if any, might be called for from the Conference Services Division.

28. On the issue of the draft code of conduct for experts on mission other than Secretariat officials and the draft guiding principles for the use of special rapporteurs, the Chair of the sixth annual meeting briefed participants about the progress of debates in the open-ended working group on the review of mechanisms and in the General Assembly. The draft code of conduct, in its present form, took on board some, but not all of the misgivings formulated by special rapporteurs and experts on previous occasions.

29. Parallel to the debates in the General Assembly, the Commission had envisaged requiring the special procedures mandate holders to adopt special rules of deontology. This in turn had prompted the elaboration of draft guiding principles for the use of special rapporteurs by three experts during the sixth annual meeting. As the report of the open-ended working group only referred, in paragraph 11, to the discussions on a draft code of conduct under way in the General Assembly and requested the special procedures mandate holders to report to the fifty-seventh session of the Commission on Human Rights on the issue, the question arose as to whether such guiding principles should be adopted. Participants agreed that it was preferable to keep the issue open and under active discussion until after the completion of the Commission's review of its mechanisms. It was further agreed to authorize the Chairperson to monitor progress on the draft code of conduct in the General Assembly, so as to be able to report to the fifty-seventh session of the Commission on the issue.

30. It was noted in this context that several provisions of the draft code of conduct, which were largely inspired by the United Nations Staff Rules, appeared in their present form to be overly limitative of the rapporteurs'/experts' activities. One participant strongly recommended that the special rapporteurs and independent experts should themselves draft and adopt their own rules of deontology, which would provide invaluable guidance tool on issues of accountability for rapporteurs, present and future. It should be borne in mind that rapporteurs are accountable to the Commission only, not to States. It was therefore suggested that the guiding principles for Special Rapporteurs should be fine-tuned and discussed in depth at the eighth annual meeting in 2001. This suggestion was endorsed by some participants but met with misgivings from others, while one participant cautioned that such a self-regulating device should ensure that rapporteurs and experts would not, in the event of breaches of the rules, be subject to third party liability and litigation. Yet another possibility, which was endorsed by the participants, was to fine-tune the draft guiding principles and merge them with the Manual for Special Rapporteurs, which was a dynamic document subject to periodic revisions.

III. SUPPORT SERVICES

A. Administrative issues; explanation of the new IMIS procedure

31. The Chief of Administration a.i. of OHCHR and the OHCHR travel assistant briefed the participants on travel arrangements for special rapporteurs and experts under the new IMIS system. An information note on the operation of the new system would be made available by the administration.

32. The OHCHR travel assistant explained that while the new IMIS system appeared highly complex in its initial phase of implementation, its long-term benefits were undeniable. The earlier the advance notice of a mission planned by a special rapporteur, desk or thematic officer, the better the chances that the administration of OHCHR would be able to provide the tickets and advance DSA on time. An information note would be made available by the administration on that subject.

33. Participants thanked the representatives of the administration for their presentations and posed a number of specific questions relating, for example, to flexibility in travel and fare arrangements, availability of budget allotments for each mandate, modalities for quick processing of travel claims, banking requirements, and reimbursement for expenses. In this respect, participants observed that the dates for missions were not always within the control of the rapporteurs and that some flexibility in respect of missions undertaken at short notice should be provided for, including for missions scheduled with less than 10 days' advance notice. Also with regard to this subject, questions were raised concerning:

(a) The notion of "best fare": rapporteurs needed flexibility for their dates of travel, departure and return. The notion of "best fare" should be understood as the standard business class fare on reputable airlines, as the "cheapest fare" might not always be available. There should also be some flexibility in airfare entitlements for special rapporteurs coming from far-flung locations where travel to the country of mission involved long waits for and changes of flights;

(b) The notion of "availability of funding" for missions: OHCHR should ensure that the High Commissioner herself certified that funds were not available to undertake a mission.

(c) Whether measures were taken to process travel claims quickly; whether it was possible to carry over savings made in the course of one mission to another mission; whether there was any obligation for special rapporteurs to maintain banking relations in Switzerland; and whether, if a rapporteur was able to secure funding for a mission from external sources, the allocated funds from the United Nations budget could be carried over to a future mission. Finally, a participant inquired about procedures for the refundability of other miscellaneous expenses made during the discharge of the mandate at the place of residence of the rapporteur.

34. In reply, the Chief of Administration a.i. noted that the issues of flexibility for travel entitlements and the notion of "cheapest available fare" had been discussed with the Director of Administration, UNOG. A first review of the situation had revealed that a blanket approval of the rapporteurs' request for more flexibility in travel arrangements would have considerable financial implications and therefore, the Director of Administration wished to study the issue in more depth. Last-minute changes of travel times, dates and itineries and greater flexibility also had to be authorized by the Director of Administration, UNOG, to be applicable to the travel of special rapporteurs. Ways to put into place a more flexible system to deal with sudden changes in travel schedules were under examination. On the issue of availability of funds, it was explained that this was determined according to the allotment advice received for each mandate from the finance services at UNOG, which in turn was determined by the

finance services at Headquarters. Any reallocation of funds under each of the mandates would have to be approved at the highest level, i.e. the level of the High Commissioner.

35. On mission stopover modalities and flexibility in travel arrangements, the Chief of Administration a.i. reiterated that:

- A meeting with the Director of Administration, UNOG, on this issue had taken place on 8 June 2000 (see para.34 above);

- A request for a consistent upgrade to first class for travel on regional airlines without any business class section had been sent to the Under-Secretary-General for Administration and Management;

- In respect of the timeliness of settlement of travel claims, she would do everything possible to finalize all travel claims within two months; a fully operative IMIS should facilitate this task;

- The availability of external funding for a mission would entitle the mandate holder to carry over allotments from the United Nations budget to another mission;

- The requirement to maintain banking relations in Switzerland was no longer applicable to special rapporteurs, but each rapporteur had to provide banking details allowing for the electronic transfer of travel entitlements and daily subsistence allowance;

- Miscellaneous expenses incurred at the place of residence of a rapporteur could indeed be reimbursed upon submission of an itemized list of calls and faxes; the reimbursement would be effected against the regular budget allotment.

36. Mr. Copithorne briefed participants about the issue of insurance for rapporteurs and independent experts. Documentation produced for the fifth and sixth annual meetings was still substantially valid. Relevant but no longer up-to-date information had been included in paragraphs 70 to 72 of the Manual for Special Rapporteurs, which needed to be updated regularly. The letter on insurance issues sent to the Secretary-General by Ms. Rishmawi in 1998 was answered by the Office of Legal Affairs at Headquarters on 4 June 1999, confirming that special rapporteurs and independent experts of the Commission were not eligible for United Nations insurance in respect of "pre-existing conditions", for which rapporteurs and experts were required to take out special insurance. This meant, in effect, that if rapporteurs felt that personal accident/sickness insurance contracted at home was insufficient, they would have to contract the alternative insurance policy offered by the Organization. The participants agreed that this matter should not be pursued further.

B. Presentation of the new thematic database

37. Participants were briefed on the operation of the HURICANE (Human Rights Computerized Analysis Network Environment) and the new thematic database within OHCHR, which had been developed since the sixth annual meeting and was now at the stage of being tested.

38. An OHCHR information officer explained that the thematic database had been developed to strengthen the collection, validation and processing of complaints about human rights violations dealt with by the thematic mandates of the Commission. The database was expected to contribute to standardizing actions and procedures and to improve the response time and information- sharing, as well as follow-up to urgent appeals and letters of allegation. It was the logical emanation of a study on the

information technology needs of the Office of the High Commissioner (1997), and was a key element of the Rishmawi/Hammarberg study. Its development had been funded by the Ford Foundation and was expected to be completed by mid-summer 2000. Apart from statistics and report-generating features, the structure and principal components of the system had already been developed. The database would eventually be expanded to include the processing of complaints and information dealt with by the country mandates.

39. A number of participants expressed some dissatisfaction that there was no comprehensive search engines in the OHCHR website or under HURICANE, and the search engines were inappropriate or overly time-consuming to use.

40. Participants inquired about the rapporteurs' having access to the new database, the maintenance of the database, and access to jurisprudence and legislation databases. In reply, the information officer indicated that rapporteurs would not have access to the database until the Extranet, which would give special rapporteurs secure access to HURICANE (and the database), had been established. This was envisaged in the High Commissioner's Annual Appeal, but funds had not yet been secured for this purpose. There was provision for the maintenance and constant upgrading of the database. On the other hand, accessed jurispurudential precedents and national legislation could only be accessed through other databases.

IV. CORPORATE RESPONSIBILITY FOR HUMAN RIGHTS VIOLATIONS

41. Following a proposal made by the High Commissioner in 1999, participants initiated a dialogue on the role of the private and/or business sector in the promotion and protection of human rights, and its potential responsibility for human rights violations. The High Commissioner had begun to follow up on the Secretary-General's 1999 Global Compact initiative, launched at the World Economic Forum in 1999. This was done, first, by stimulating interest and providing information and education to corporate decision makers and second, by examining how corporations could be held responsible for human rights violations at the domestic level.

42. Participants had before them a discussion paper on the role of the business sector in the work of special rapporteurs and independent experts. The meeting was also briefed by Professor Andrew Clapham, the High Commissioner's adviser on business and human rights, about the Office's efforts to respond to the Secretary-General's Global Compact challenge. He identified two erroneous perceptions made in the context of this debate: the first was that dealing with corporate responsibility tended to undermine the central notion of the responsibility of states for human rights violations; the second perception was that responding to the Secretary-General's Global Compact initiative would diminish the integrity of the human rights monitoring mechanisms.

43. In the recent documentation on the issue that he had come across, most corporations had been enthusiastic about embracing the subject - the vast majority wished to be seen to be cooperating with the human rights community. It was therefore a most appropriate time to seize this opportunity. There were three sets of commnunities being courted by the corporate sector: (a) their employee groups, which wanted international labour standards to be respected; furthermore, corporations that respected labour standards attracted better personnel; (b) their shareholders; and (c) consumers.

44. There was general agreement on the importance of the issue and its ramifications, and that the situation in this particular area of human rights was evolving rapidly. It involved the role of non-State actors and had an impact on the responsibility and practices of the private sector as well as on State responsibility. Recent initiatives by transnational corporations to formulate voluntary self-regulating codes of conduct and rules were heartening, but dangerous if the result was to avoid the establishment of

international standards regulating their conduct. The lack of information in the area of corporate responsibility was another difficulty in dealing with this issue.

45. The Special Rapporteur on the situation of human rights in the Sudan briefed participants about his activities in respect of determining potential corporate responsibility for human rights violations in the context of his mandate. The Special Rapporteur on Afghanistan reported on his experience with sensitizing major petroleum companies to the issue of corporate responsibility; that was the beginning of a process in which companies were realizing that the realities around them were changing. The Convention on Combatting Bribery of Foreign Officials in International Business Transactions of the Organization for Economic Cooperation and Development was mentioned as a factor that might help bring about a change in corporate mentality. Similar concerns were echoed by other participants; one was that the public at large in countries in which corporations bore responsibility for human rights violations had no information on the possibilities of recourse against such violations.

46. The Special Rapporteur on the sale of children briefed participants on her activities to draw in the business sector for the promotion of children's rights. She was pleased to note the supporting activities undertaken in the High Commissioner's Office in this respect. Care had to be taken, however, that corporations were not led to believing that such initiatives would be too costly; they need to be persuaded that the protection of children's rights was good for business. She reported on positive experiences in a number of countries and about positive measures for improving the protection of children's rights. The United Nations could play an important role of catalyser in this respect. On the negative side, many corporate activities were still wholly insensitive to children's rights, in particular in the tourism sector where sexual exploitation of children took place. She sought guidance on possible sources of information in this respect.

47. The Special Rapporteur on the human rights of migrants alluded to several dangers to which migrant workers were exposed, such as trafficking and denial of social security entitlements. Foreign corporations should be reminded of their responsibilities in that respect. The Special Rapporteur on freedom of opinion and expression pointed to the implications of the communications revolution for human rights: in this sector, the role of the State was shrinking and the corporate sector was assuming a greater role. Corporations should be reminded that there were values other than profit that were deserving of promotion. Country visits by rapporteurs could usefully include a dialogue with the corporate sector and examine the human rights record of corporations operating in the country visited. A joint meeting with representatives of the corporate sector could perhaps be organized in the future.

48. Other participants also believed that the special procedures mandate holders could develop a dialogue with the private business sector. A systematic study of jurisprudential precedents dealing with business/corporate responsibility for human rights violations should be conducted. Furthermore, there should be a study on cases of alleged corporate responsibility for human rights violations, in particular cases in which compensation had been paid to the victims.

49. Several participants cautioned that the role of special rapporteurs and experts was to monitor human rights violations and that the ultimate responsibility for human rights violations rested with the State. The issue of corporate responsibility for human rights was not of particular interest to all special procedures mandate holders. A small working group could perhaps examine the issue further. The latter idea was endorsed by those who observed that in some developing countries, a few large transnational corporations virtually dictated the realities of economic life of the countries in which they were operating and that in those countries, it was impossible to speak about large-scale human rights violations without bringing in the business sector.

50. Professor Clapham drew the participants' attention to the work under way in the Sub-Commission on the Promotion and Protection of Human Rights on a code of conduct for transnational corporations, which dealt mainly with the international labour standards that corporations should take on board and respect. The draft code sought to codify the current situation of corporations under international law, drawing heavily on the ILO conventions. It was not programmatic in nature, but in its current form, it could provide a useful legal framework for rapporteurs. On the issue of arbitration and litigation, he noted that many countries had recently adopted domestic legislation which regulated the responsibility of corporations in human rights-related issues, such as respect for labour standards, the principle of non-discrimination, etc.

51. The Chairperson proposed that the meeting should not formally appoint a working group to study the issue of corporate responsibility for human rights, but that a "self selecting" working group should be created after the end of the meeting and operate in a wholly informal manner. Participants accepted the Chairperson's proposal for the creation of this inter-sessional working group.

V. MONITORING (SPECIAL PROCEDURES) MECHANISMS

52. Under this item, participants discussed the respective roles of special procedures activities and technical cooperation projects and activities. This issue affected the work of a number of thematic and geographic mandate holders, and there was a need to delineate the two types of activities.

53. A representative of the Office of the High Commissioner explained the development of the technical cooperation programme of OHCHR since the adoption of the Vienna Declaration and Programme of Action which, in its paragraphs 82 and 83, calls for the strengthening of United Nations activities and programmes to respond in a timely manner to requests from States for educational and training activities in the field of human rights, as well as to requests for assistance by States that want to establish or strengthen their own national institutions for the promotion and protection of human rights. The methodology for projects had been sharpened, and internal procedures for project formulation had become considerably more methodical, precisely to allow for rapporteurs' and treaty bodies' recommendations to be factored in. A principal point of departure for the design of projects was the recommendations of the special procedures mandate holders and of the human rights treaty bodies. It was on that basis that needs assessment missions were prepared and undertaken, in particular for countries for which a geographic mandate of the Commission existed (e.g. the Islamic Republic of Iran, the Sudan). It was the Office's view that monitoring activities and technical cooperation projects could complement each other greatly - recommendations of rapporteurs emanating from monitoring activities could be taken on board not only for OHCHR technical cooperation projects, but also by programme partners such as the UNDP. Suggestions from special rapporteurs for the preparation and implementation of technical cooperation projects were welcome at all times.

54. It was noted that some countries had attempted to avoid the creation of the mandate of a country-specific rapporteur, or sought to avoid the visit of a thematic mechanism of the Commission, by opting for a technical cooperation programme. But the minimum requirement should be that States should first cooperate in good faith with the Commission before a technical cooperation project could be envisaged for them. In other words, there should be a minimum threshold for the initiation of technical cooperation projects. One participant expressed serious reservations about a number of technical cooperation activities initiated by OHCHR in respect of a given State, before a serious assessment of that State's human rights record had been undertaken by special procedures mandate holders. In this sense, technical cooperation projects could operate to the detriment of monitoring activities. The rapporteurs should at least be consulted by the OHCHR before designing a technical cooperation project. The process had to be transparent and to be based on consultation with all parties concerned, including the Commission on Human Rights and the special procedures mandate holders. Technical

cooperation and monitoring activities could be considered complementary, but the issue of properly timing each set of activities in respect of the same country was vitally important.

55. Distinct from the above scenario were situations in which special rapporteurs in their recommendations formulated after country visits, had, suggested the initiation of a technical cooperation programme in respect of certain specific issues of relevance to their mandate(s). Such programmes had subsequently been conducted, with varying degrees of success; in other cases, the recommendations of a special rapporteur had not been taken into consideration sufficiently in the design of technical cooperation programmes.

56. Some participants noted that technical cooperation programmes were an essential device to help developing countries create a culture of human rights, notably in countries where custom, habits or traditional practices were difficult or impossible to reconcile with respect for international human right standards. In this perspective, the mechanisms of the Commission on Human Rights and special rapporteurs could play a vital catalyzing role. It was essential to establish a proper balance between technical assistance and monitoring activities - the two sets of activities were complementary, and in many countries, one could not function without the other. Parallels were offered with the concluding observations on periodic reports adopted by the human rights treaty boldies, which often linked the finding of certain violations of human rights to the formulation of recommendations for provision of technical cooperation. Other participants endorsed the notion of complementarity between monitoring (special procedures) and technical cooperation activities but cautioned that great care should be taken to avoid any perception that the work of special procedures and treaty bodies received a lower priority, particularly in budget allocation and personnel, than technical assistance and other related activities. It was also important for special rapporteurs and experts to create incentives for Governments to cooperate with the Commission mechanisms, and recommedations relating to technical assistance might provide such incentives.

57. Other participants indicated that they would appreciate better feedback from OHCHR staff dealing with technical cooperation programmes as to how their recommendations were being factored into technical cooperation projects, and about the level of cooperation with the treaty bodies and the different mandates. A chart of outstanding programmes and country visits should be maintained on both sides - technical cooperation and special procedures - to ensure both complementarity and effective cooperation.

58. In reply to questions, the representative of the OHCHR reaffirmed that all the recommendations of rapporteurs and programme partners were considered before the terms of reference for a needs assessment mission were drawn up. OHCHR country desk officers were required to coordinate with other professionals on an inter-branch level before formulating technical cooperation programmes. This extended to coordination with all of the field presences operated by OHCHR, most of which were implementing technical cooperation programmes.

59. Participants considered this item to be of particular importance. They agreed to continue their discussion on this issue at the eighth annual meeting and requested the OHCHR to prepare a report on the international legal framework for technical cooperation and on how the Office's technical cooperation activities relate to the recommendations of the special procedures mandates, on the basis of concrete examples.

VI. IMPROVING THE WORK OF SPECIAL PROCEDURES MANDATES ON HUMAN RIGHTS DEFENDERS

60. Under this item, the participants discussed the implications of the adoption, by the Commission on Human Rights at its fifty-sixth session, of resolution 2000/61 establishing the mandate of a Special Representative of the Secretary-General for human rights defenders.

61. Participants were of the opinion that any discussion of coordination of their activities with those of the Special Representative on human rights defenders was premature, as the incumbent had not yet been named. The future incumbent should be asked whether he/she agreed to include the issue of cooperation with other special procedures mandates on the agenda of the eigth annual meeting in 2001, or whether he/she wished to discuss this issue bilaterally. It was also suggested that the Chairperson of the seventh meeting should contact the Special Representative after his/her nomination to discuss possible options.

62. The meeting decided to refer item 6 to the eighth annual meeting, so as to allow for a debate on the scope of the mandate of the Special Representative for human rights defenders and his/her possible cooperation with other mandates.

VII. CONSULTATIONS BETWEEN MANDATE HOLDERS AND NGO REPRESENTATIVES

63. On 7 June 2000, the participants met with representatives of NGOs to exchange views on the mechanisms of the Commission and the strengthening of the special procedures system. Representatives of the International Service for Human Rights, Amnesty International, Human Rights Watch, the Association for the Prevention of Torture, Franciscans International, and the International Federation of Human Rights Leagues welcomed the initiative and reaffirmed the importance of the special procedures mechanisms.

64. Most of the NGO representatives raised specific points relating to the protection of human rights defenders (the establishment of the mandate of a Special Representative of the Secretary-General for human rights defenders was particularly welcome), the independence and impartiality of the special procedures system and the follow-up to the recommendations of the special rapporteurs as well as the implications of the Commission's review of mechanisms for special procedures mandates and their cooperation with NGOs.

65. Some dissatisfaction was expressed in relation to the outcome of the Commission's review of mechanisms. It was felicitous that most of the proposals that would have limitated the rapporteurs' activities had not been adopted by the working group, but other recommendations were cause for concern. In particular, the reassignment of a mandate holder with particular experience and expertise to another mandate should remain a possibility. The criteria for the selection of mandate holders contained in the report of the working group on the review of mechanisms were too broad to ensure that the best qualified candidates would consistently be appointed to fill vacant mandates. The crucial issue of adequate support being provided by OHCHR to special procedures mandates had not been addressed adequately.

66. All NGO representatives stressed the importance of the establishment of a new mandate for human rights defenders. The future Special Representative of the Secretary-General should be an individual with proven expertise and recognized independence and commitment. He/she should work in close cooperation with other mechanisms, but take the lead on examination of cases of human rights defenders. Existing thematic or country mandates should not, however, refrain from dealing with cases of human rights defenders.

67. NGO representatives reaffirmed their readiness to assist rapporteurs and independent experts in the preparation of their country visits, provided that sufficient advance notice was given to them. This was welcomed in particular by recently appointed special rapporteurs and rapporteurs with mandates in the field of economic, social and cultural rights. The provision of detailed country and case information was equally crucial to those rapporteurs who were denied opportunities to visit the countries whose human rights situation they had been appointed to monitor. NGOs observed that they would appreciate a more consistent assessment of government replies to the report of special procedures mandate holders by the latter. One NGO representative encouraged all mandate holders who submitted reports to the General Assembly to provide sufficient advance notice to NGOs based at Headquarters, with a view to facilitating consultations between NGOs and special rapporteurs and experts at Headquarters.

68. One NGO representative acknowledged that international and "generalist" NGOs should become more active in the area of economic, social and cultural rights. They were ready to do so and should, to that effect, establish partnerships with local and specialized NGOs working, for example, on issues such as the right to food, the right to health, or the right to housing. One participant pointed out that NGOs should avoid packaging economic, social and cultural rights as a separate category of rights, as violations of many social and economic rights often went hand-in-hand with violations of civil and political rights (e.g. principle of non-discrimination, right to freedom of association).

69. Several NGO representatives indicated that it was important for all special procedures mechanisms to include, in their annual or country mission reports, specific information on the follow-up to their recommendations. The Commission on Human Rights in turn was invited to devote more time to the discussion of country and thematic special procedures mechanisms and to give meaning to its pledge to institute a more interactive dialogue between the members of the Commission and the special rapporteurs.

70. Rapporteurs characterized the work of NGOs as "the engine of the human rights project" and reaffirmed that an opportunity for dialogue with NGOs was crucial. They regretted that limited resources often prevented NGOs from pursuing their objectives to the fullest extent. Participants stressed the importance of the role of the NGOs in the creation, as well as for the fulfilment of their mandates, particularly in terms of information-sharing and awareness-raising. NGOs further played an important role in defending the special procedures system from attacks in a number of forums. NGOs were invited:

- To maintain a constant flow of information with special procedures mandate holders before, during and after country visits;

- To devote more attention to mandates concerned with economic, social and cultural rights, and to contribute more actively to the integration of economic, social and cultural rights into the human rights agenda;

- To submit their observations and critical comments on the rapporteurs' mission reports, and generally to take into consideration the recommendations of the special rapporteurs in the preparation of NGO country profiles or reports;

- To provide information to rapporteurs on the follow-up at the domestic or local level, if any, of the recommendations contained in the annual or mission reports of special rapporteurs;

- To disseminate the reports of special rapporteurs, to the extent possible, in the vernacular languages of the country visited, to organize seminars on issues of relevance to the work

of special rapporteurs, and to attract media attention so as to facilitate the dissemination of the results of such seminars;

- In respect of those mandates that transmit government responses to sources, to provide their observations on those responses;

- To publicize the recommendations, decisions and/or opinions adopted by the thematic mechanisms, as well as the work of mandates that are highly case-specific, and to inform those mechanisms of follow-up measures they may be aware of; and

- To provide more specific information on the situation of women's and children's rights in the context of some country mandates.

VIII. JOINT MEETING OF THE CHAIRPERSONS OF TREATY BODIES AND SPECIAL PROCEDURES MANDATE HOLDERS

71. At their second joint meeting, held on 7 June 2000, the chairpersons of treaty bodies and the special rapporteurs/representatives, experts and chairpersons of working groups discussed the possibilities for increased interaction between the treaty bodies and the special procedures mechanisms.

72. The joint meeting was preceded by a video-conference with the High Commissioner for Human Rights, who highlighted six issues of particular interest:

(a) The importance of an improved exchange of information between treaty bodies and special procedures mandate holders. Better use should me made of the existing arrangements, and the participation of special rapporteurs and independent experts in days of general discussion of treaty bodies and their participation in the drafting of general comments were encouraged. It was vital that greater importance to the follow-up to the recommendations of special rapporteurs and concluding observations of treaty bodies be given by the mechanisms concerned, her Office, NGOs, national institutions, etc. Newly elected treaty body members and newly appointed rapporteurs should benefit from a thorough induction programme;

(b) Follow-up to the studies by Mona Rishmawi/Thomas Hammarberg and Anne Bayefsky/Christof Heyns. As far as the special procedures system was concerned, steps had been taken in the thematics team of the Activities and Programmes Branch of OHCHR to establish a quick reponse desk and to develop a thematic database. For future annual meetings, it should be ensured that written information about the status of implementation of the recommendations of the two studies be made available to the participants;

(c) The review of mechanisms of the Commission on Human Rights. The High Commissioner acknowledged the rapporteurs' concern over the requirement to share their unedited reports with concerned Governments and with members of the Commission, and their reluctance to issue government replies to their reports as annexes thereto;

(d) Support and administrative services. The High Commissioner was aware of the concerns of both sets of mechanisms about financial and administrative matters. The new Chief of Administration a.i. of her Office had been asked to look into the issue and to designate a staff member as a focal point or "ombudsperson" for the concerns and needs of special rapporteurs and members of treaty bodies;

(e) World Conference against Racism, Racial Discimination, Xenophobia and Related Intolerance. The High Commissioner stressed the importance of special procedures and treaty body contributing to the preparatory process for the Conference. The inputs of both sets of mechanisms would be given appropriate priority, and the participants were encouraged to fully integrate their contributions into the preparatory process;

(f) Regional strategies. The High Commissioner's adviser for regional strategies had been asked to brief the participants about the efforts of the Office to bring the activities of treaty bodies and special procedures mandates to fruition at the national level. Both sets of mechanisms had a crucial role to play in identifying best practices at the regional, national and local levels.

73. Participants asked the High Commissioner about:

- The allocation, and possible shifts in the allocation of financial and administrative resources available to treaty bodies and special procedures;

- Issues arising from the review of mechanisms of the Commission on Human Rights, including the requirement to make available unedited reports to concerned Governments and members of the Commission, and timely circulation of documents and reports in the Commission. Special procedures mandate holders had formulated alternative proposals and intended to submit them for the Commission's attention;

- The need for OHCHR to continue the development of information technology and databases which greatly enhanced the efficacy of the special procedures' work. The layout of databases had, however, to conform to international legal terminology, and rapporteurs should be consulted in the process;

- Any feedback from the High Commissioner on her contacts and consultations with Governments during her visits, based on the reports of special rapporteurs and their recommendations. Participants expressed their appreciation to the High Commissioner for raising their concerns with the authorities of the countries she had visited;

- The issue of adequate servicing of special procedures mandates by OHCHR; and

- The issue of mainstreaming human rights into peace-making, and how the High Commissioner could assist in encouraging such mainstreaming in the light of recent tragic experiences in Sierra Leone and other parts of the world.

74. In response, the High Commissioner indicated that:

- The "logic of logistics" was of great concern to her Office and administration. The Office was under severe pressure on many fronts at all times, and while it had to face the challenge of managing change, it could only perform better by acting as a catalyst for change. Suggestions from special rapporteurs on how to improve the efficacy of the system or on how to prioritize issues would be most welcome;

- The analysis of the report of the working group on the review of mechanisms made by special rapporteurs was valuable and plausible. The special rapporteurs were encouraged to submit their recommendation on this problem to the Commission;

- As far as computerization and the development of databases were concerned, the rapporteurs were encouraged to continue with their collaborative efforts. These could be tied in with a study currently under preparation on the publications programme of the Office and on the Office's website;

- On follow-up to rapporteurs' recommendations and concluding observations of treaty bodies, her Office could do more in terms of providing feedback on the results of her contacts with Governments, insofar as they concerned the implementation of those recommendations and concluding observations;

- As far as administrative and servicing issues were concerned, the High Commissioner reported on her participation in the consultations of the United Nations Development Group (UNDG) on 6 June 2000. The UNDG had discussed the report of a meeting of special procedures mandate holders and experts in the field of economic, social and cultural rights, held on 6 April. She had asked the participants at the UNDG, including heads of agencies, to reflect on how they could better lend their support to the work of the special procedures and treaty bodies. The High Commissioner promised to follow up on the results of the UNDG meeting;

- On the issue of mainstreaming human rights into peace-making, the High Commissioner indicated that her Office had signed a memorandum of understanding with the Department of Peacekeeping Operations, and she was meeting the top managers of that department to discuss how to mainstream human rights into peace-making at the operational level. The Office had also prepared a contribution to a high-level consultation on peacekeeping; she assured participants that this issue was among the priorities of her Office.

75. The joint meeting was briefed about the status of implementation of the the recommendations that had emanated from the first joint meeting (see document E/CN.4/2000/5, para.30). It identified the following areas of common concern:

- The need to improve exchange of information between the treaty bodies and the special procedures mandates. The implementation of recommendations adopted after the first joint meeting in 1999 in this particular respect was found wanting;

- The issue of follow-up: an exchange of best practices in the area of follow-up to concluding observations, decisions/opinions on individual cases and recommendations made by special rapporteurs would be beneficial to both sets of mechanisms;

- The issuance of joint or coordinated contributions to the World Conference.

76. Following its general debate, the second joint meeting adopted the following recommendations:

(a) Follow-up to the recommendations of the second meeting. The secretariat is requested to prepare a concise background note setting out the status of implementation of recommendations emanating from this year's joint meeting.

(b) Improving the exchange of information between treaty bodies and the special procedures mandates. The joint meeting noted with appreciation the minutes of a meeting convened by the Deputy High Commissioner on 7 June 2000, which had discussed the necessity of improving the information exchange between the special procedures mandates and the treaty bodies. The participants at the joint

meeting endorsed the relevant recommendations emanating from that meeting and requested OHCHR to monitor their consistent implementation, as follows:

(i) Information notes should be submitted regularly to each session of the treaty bodies about the activities of relevant special procedures mandates;

(ii) Periodic lists of planned country visits of special procedures mandate holders should be prepared in chart form and made available to members of the treaty bodies;

(iii) Executive summaries prepared for reports of special procedures mandate holders should be rapidly distributed to members of treaty bodies;

(iv) A schedule of the consideration of States parties' reports by the major human rights treaty bodies should be prepared in chart form and circulated to all members of treaty bodies and special procedures mandate holders;

(v) The reports of special procedures mandate holders on specific countries should be distributed to treaty bodies whenever the latter are scheduled to consider periodic reports of those specific countries and, conversely, the concluding observations of treaty bodies on those countries should be circulated to special procedures mandate holders;

(vi) The secretariats of the treaty bodies should facilitate the participation of country and thematic officers assisting special rapporteurs in the preparation of lists of issues on periodic reports to be considered by treaty bodies; conversely, staff members servicing treaty bodies should make available lists of issues and relevant information to the assistants of special procedures mandate holders for the purpose of preparation of country visits;

(vii) A meeting between the treaty body teams and the country and thematic officers servicing special procedures mandates should be called in a timely manner, to address existing problems or bottlenecks in information exchange;

(c) Follow-up to concluding observations and recommendations of rapporteurs. The participants agreed that the third joint meeting in June 2001 should focus on the subject of follow-up;

(d) Preparations for the World Conference. The participants at the joint meeting agreed that it was premature to formulate a joint position at the present time. Participants were encouraged to formulate proposals for joint contributions to the preparatory process for the World Conference in writing. These written proposals should be compiled by the secretariat of the joint meeting and circulated to all treaty body members and special rapporteurs well in advance of the third joint meeting in 2001;

(e) Next meetings. The participants agreed to schedule a half-day joint meeting during their respective annual meetings in 2001.

IX. CONSULTATION WITH THE BUREAU OF THE FIFTY-SIXTH SESSION OF THE COMMISSION ON HUMAN RIGHTS

77. On 8 June 2000, Ambassador Krzysztof Jakubowski, Ambassador Ibrahim M. Ibrahim and Minister Counsellor Alfredo Michelena Rodríguez (representing Ambassador Victor Rodríguez Cedeño), Vice-Chairs of the fifty-sixth session of the Commission on Human Rights, Ms. Marie Gervais-Vidricaire, Rapporteur of the Commission, and Mr. Kevin Lyne, regional coordinator of the Western Group, addressed the participants on developments in the Commission which were of relevance to the special procedures mandates, and especially on the outcome of the review of mechanisms of the Commission. Ambassador Jakubowski assured participants that their concerns would be conveyed to the Bureau of the Commission at its inter-sessional meetings in 2000. The Chairperson of the seventh meeting noted the participants' particular interest in the progress of the draft code of conduct for experts on mission other than Secretariat officials, the issue of advance availability of the rapporteurs' reports and their distribution in unedited form, the question of an enhanced interactive dialogue with members of the Commission, and the one-day informal meeting of the Commission scheduled to take place in September, preceding the opening of the General Assembly session.

78. Ambassador Jakubowski highlighted several issues which he thought were central to the review of the Commission's mechanisms, in as much as they affected the operation of the special procedures system. These are summarized in the following paragraphs. The meeting expressed its appreciation to Ambassador Jakublowski for his presentation.

Measures adopted through the Chairperson's statement of 29 April 1999 regarding early approval by the Economic and Social Council of new special procedures mandates, preparation of executive summaries, and term limits for country and thematic special rapporteurs

79. Four new special procedures mandates (the merger of the mandates on foreign debt and structural adjustment into one mandate, the Special Rapporteur on the right to housing; the Special Rapporteur on the right to food; the Special Representative of the Secretary-General on human rights defenders) and the reform of the 1503 procedure were considered by the Commission to require early action by the Eonomic and Social Council in 2000. As the Budget Division of the Secretriat had recently stated that the new mandates had no new financial implications, it was reasonable to expect quick approval by the Council of the new mandates.

80. All special rapporteurs were asked to include executive summaries of their respective reports, of no more than four pages. This had largely been complied with for the fifty-sixth session of the Commission, and rapporteurs were encouraged to continue this practice. On the issue of circulation of unedited reports, the early availability of such unedited reports had greatly facilitated consultation among delegations during the fifty-sixth session of the Commission. Therefore, this practice should also be continued.

81. Ambassador Jakubowski explained in detail the operation of term limits imposed on the mandates of special rapporteurs under the terms of decision 2000/109 and the statement of 29 April 1999 made by the Chairperson of the fifty-fifth session of the Commission, Ambassador Anne Anderson. It was understood that the interpretation of the Chairperson's statement of 29 April 1999 by the Bureau and the Secretariat, which had been made an integral part of decision 2000/109, was the broadest possible.

Chapters I and II of the report of the working group on review of mechanisms

82. Ambassador Jakubowski reiterated the agreement on a staggered change in composition of the Working Groups on Arbitrary Detention and on Enforced and Involuntary Disappearances, which

implied that there should be a complete renewal of membership of those two groups by April 2003. In respect of the proposal to enhance the interactive dialogue between members of the Commission and special procedures mandate holders, Ambassador Jakubowski noted that during the inter-sessional period, the Chair of the Commission would consult with the regional groups through their coordinators about the specific organizational aspects of such interactive debates during future Commission sessions. The rapporteurs' reactions and suggestions on the issue of the interactive debate were most welcome.

The issue of documentation (chapter six of the report of the open-ended working group)

83. Ambassador Jakubowski emphasized that the report of the working group on the review of mechanisms had reiterated (see para. 64) the importance of compliance with the six-week rule for availability of reports and with resolution 53/208 of the General Assembly, which imposed limits on the length of reports. Where those provisions were not complied with, there should be good reasons, to be explained to the Commission. The timely availability of reports was a matter of concern to all members of the Commission, and the non-availability of some documents was an impediment to the proper discharge of the Commission's functions. In that context, Ambassador Jakubowski called upon participants at the meeting to make all possible efforts to reduce the length of their reports, as a matter of equity and fairness; the amount of documentation that had been submitted to the Commission's fifty-sixth session had increased considerably in comparison with its 1999 session.

New modalities concerning speaking time

84. It was noted that during the fifty-sixth session of the Commission, additional speaking time had been allocated to the special rapporteurs, i.e. two additional minutes per mission report. This, while not perhaps entirely satisfactory, was considered to be a positive innovation.

85. Along the same lines, the limitations imposed on time for oral statements by NGOs had been the result of wide-ranging consultations, with the objective of providing an incentive to make joint statements. Any comments by special rapporteurs in this respect for the fifty-seventh session of the Commission in 2001 would be welcome.

One-day informal meeting of the Commission in September 2000

86. Ambassador Jakubowski noted that this meeting was an innovation in Commission procedures. As noted in the report of the working group on the review of mechanisms, the meeting would have an agenda comprising those issues which had been dealt with at the previous session of the Commission and which were also on the agenda of the Third Committee. Each item would be examined briefly, with the secretariat providing information on any developments since the Commission's session and an opportunity for government representatives to make observations. This would require information on missions undertaken by special rapporteurs, independent experts and working groups. Any suggestions from the rapporteurs in this respect were welcome.

87. Mr. Lyne provided further information on the interactive debate proposed by the working group. A controversial point in the working group had been whether the Commission could rely on the precedent of interactive debates in the Third Committee of the General Assembly. It had been argued that this practice was inappropriate in the Commission on Human Rights, and this was why consultations with regional groups and coordinators were still required on this issue.

88. Participants underlined the usefulness of informal consultations with the Bureau and the members of the Commission and with representatives of regional groups. Such consultations were useful in that

they helped clarify questions on the scope of mandates, prepare the agenda for country visits, and allowed for comprehensive discussion of issues of relevance to all rapporteurs.

89. In response to Ambassador Jakubowski's address, participants questioned the assumption that the newly created special procedures mandates would have no new financial implications for the Organization or the Office; the net result of this assumption simply was that servicing of special procedures mandates would be proportionally reduced. Others sought further clarifications on the scope of application of paragraph 30 of the report of the working group, in particular about the operation of the six-week rule and whether the requirement to make available unedited reports extended to Governments that did not cooperate with country mandates. Questions were asked about the modalities of changes in the composition of the Commission's working groups, and about procedures for the appointment of the most qualified individuals to replace those who were forced to relinquish a mandate.

90. Some participants questioned whether the Commission, or the Third Committee of the General Assembly, understood the need for special rapporteurs to present topical reports. The six-week, 10-week and 16-week rules implied that in many circumstances, either the Commission or the Third Committee would have before it reports that were already outdated. Such deadlines further did not take into account that rapporteurs might not be able to present their reports to either forum if a country mission had been conducted near or after the deadline, for reasons either beyond their control or reasons linked to important recent political developments in the country concerned. One participant recalled that the first version of the Rishmawi/Hammarberg report had suggested a more sophisticated procedure with staggered deadlines for the submission of special procedures reports. Another participant suggested that the six-week rule applied to government replies to the unedited version of a country mission report, was perhaps too generous vis-à-vis the Government concerned. It was further inappropriate to require the publication of government replies as addenda to mission reports, as this might be construed as an attempt on the part of the Governments concerned to influence the contents of the reports; publication of government replies as separate documents was preferred. Finally, the Commission should not agree to circulate unedited reports of special rapporteurs, or reports which were not yet in their final form, without at least consulting the mandate holder concerned.

91. Ambassador Jakubowski and Ambassador Ibrahim replied that it had been the Commission's intention to prompt government replies to all special procedures reports, not to initiate what could be perceived as a system of "co-authorship of reports", and the prospect of joint publication of report and government reply was thought to be an incentive for Governments to react to the reports of special rapporteurs. Ambassador Ibrahim stressed the importance the regional groups had attached to the six-week rule during the review of Commission's procedures; it was a matter of equity to provide Governments with an opportunity and sufficient time to reply to the reports of special rapporteurs. Ms. Gervais-Vidricaire added that similar considerations applied to the issue of length of reports; few Governments could be expected to study in detail all reports of special procedures mandates, and this situation was compounded if the reports exceeded the page limits imposed by the General Assembly.

92. Participants expressed understanding for the difficulties in determining the exact modalities for a more interactive dialogue between Commission members and special rapporteurs. The present form of the dialogue was however very unsatisfactory, and was more of a monologue than a dialogue; the substance of the debate on reports also left much to be desired. Speaking times allotted to special rapporteurs for the presentation of their reports were wholly inadequate, especially in situations where the report of the special rapporteur was not yet available in all the official languages and thus could not be distributed: where this was the case, considerations of equity should demand that more time be given to the mandate holder concerned to present his/her report.

93. Other participants noted that a more interactive dialogue should not operate to the detriment of NGOs' participation in the debates of the Commission, as appeared to be the case. Moreover, the sheer number of parallel events organized to take place simultaneously with the meetings of the Commission made it difficult for special rapporteurs to be permanently present in the meeting room during the discussion of their respective agenda items, as requested by the Commission.

94. Participants drew the Bureau's attention to a fundamental dilemma: the continuous increase in the number of special procedures mandates vis-à-vis the requirement that they be serviced "from within existing resources". This had the deplorable effect of diluting the work of the existing mandates by reducing the availability of support services and the quality of outputs. The Commission either had to reduce the number of special procedures mandates, or agree to a substantial increase in the services available to them.

95. Ambassador Jakubowski assured participants that the Bureau would strive for a clearer interpretation of paragraph 30 of the report of the working group. Nothing in the report should, however, be construed as an attempt to slow down the procedure. On the issue of adequacy of resources and timely availability of reports, he indicated that these were questions largely beyond the control of the Commission, even though there was agreement in principle that the human rights machinery should be strengthened, and that it deserved additional administrative, financial and human resources. Mr. Michelena Rodríguez added that the procedures of the Commission had reached a level of complexity that made them increasingly difficult to apply to the satisfaction of all concerned. A further rationalization of the procedures was necessary. Ambassador Ibrahim noted that the consensus achieved in the Commission on the issue of the review of mechanisms was an imperfect one; it would take a few years to evaluate the implementation of the decisions relating to the review, and thereafter a further review of the procedures of the Commission might be required.

96. Ambassador Jakubowski thanked the participants for a fruitful dialogue and for their contributions and suggestions, adding that he and members of the Bureau shared many of their concerns and frustrations as outlined above.

97. The Secretary of the Commission on Human Rights provided additional clarifications regarding several of the concerns raised by the participants. She sought to allay concerns about the operation of the six-week rule mentioned in paragraph 30 of the report of the working group: in the vast majority of cases, it would not affect the procedure of submission and distribution of reports in any negative way.

98. On the issue of timely availability of Commission documents, participants were encouraged to submit their reports as early as possible and in advance of the general deadline of 15 December of each year; this would give editors and conference services some breathing space and prevent the accumulation of bottlenecks in the production of documents in all the official languages at the end of each year. It was confirmed that the deadline for the submission of the reports of special rapporteurs to the General Assembly was 31 July; if that deadline could not be met, mandate holders would have to apply formally for a waiver. She agreed that a more sophisticated approach to the documentation issue was required. Finally, on the issue of the proposed interactive debate between the Commission and special procedures mandate holders, she encouraged participants to submit concrete proposals in advance of the inter-sessional consultations and meetings of the Bureau, taking into account factors such as possible NGO participation in this dialogue.

X. EXCHANGE OF INFORMATION AND EXPERIENCES BETWEEN SPECIAL PROCEDURES MANDATE HOLDERS

99. Under this agenda item, participants briefly exchanged information and experiences of relevance to the proper discharge of their respective mandates. Interventions were made by a number of special rapporteurs.

100. Participants were informed of a request addressed to special rapporteurs to formulate observations on the publications programme of OHCHR. They were encouraged to address any comments they might have to Mr. Hammarberg, who had been requested by the High Commissioner to review the publications programme of the Office.

101. Mr. Cumaraswamy briefed participants on developments in his case before the Malaysian tribunals. The Chairperson was asked to address a letter to the President of the Economic and Social Council, in the name of all special procedures mandate holders, if the court decision, expected on 3 July 2000, in Mr. Cumaraswamy's case was to the effect that it was not bound by the Advisory Opinion of the International Court of Justice of 29 April 1999.

102. Mr. Garretón briefed participants on his experience with the special debate of the Security Council in January 2000 on the peace process in the Great Lakes Area. He suggested that:

- The High Commissioner should encourage that the Security Council to take into consideration the recommendations of special rapporteurs of the Commission, whenever appropriate, when discussing peace processes in specific countries or areas of the world. These recommendations should be made available to the members of the Security Council;

- In the context of the establishment of future peacekeeping operations, country rapporteurs, if applicable, and the principal thematic mandates should be invited to make available their expertise;

- In the context of the creation of human rights elements/units of future peacekeeping operations, OHCHR should offer comprehensive human rights training to the officers of such units;

- The recommendations of the "Carlsson report" should be further discussed by the participants at the next annual meeting.

103. One special rapporteur apprised participants of attempts to intimidate him in the discharge of his mandate by threatening legal action if he did not refrain from certain investigations and activities. Those attempts at intimidation had stopped after he had made it clear that he would continue his investigations, within the framework and terms of reference of his mandate.

104. Mr. Amor informed the participants about an international consultative conference on school education in relation to freedom of religion and belief, tolerance and non-discrimination that he was co-organizing with the Government of Spain. This conference would be held in Madrid from 23 to 25 November 2001.

XI. ADOPTION OF THE CONCLUSIONS AND RECOMMENDATIONS OF THE SEVENTH ANNUAL MEETING

105. On the basis of its discussions, the meeting formulated the following conclusions and recommendations:

Resources

(a) The Office of the High Commissioner for Human Rights is once again requested to ensure more adequate servicing, in terms of both administrative and human resources, of all special procedures mandates. In the allocation of budgetary and human resources, appropriate priority should be given to the effective functioning of the special procedures of the Commission and the treaty bodies.

(b) The Office of the High Commissioner for Human Rights is requested to ensure that a joint in-house meeting of staff members servicing treaty bodies and special procedures mandates should take place on a systematic and consistent basis, so as to ensure that an effective and regular exchange of experience and information relevant to the work of both sets of mechanisms takes place.

(c) The Office of the High Commissioner for Human Rights should ensure maximum possible continuity in the servicing of special procedures mandates. Special procedures mandate holders should, at the very least, be notified promptly in the event of the reassignment of their Professional assistant in the Office of the High Commissioner to other functions.

Support services

(d) The Office of the High Commissioner for Human Rights should organize a thorough briefing programme for newly appointed special rapporteurs and independent experts. It is recalled that this was one of the recommendations of the 1999 study prepared by Ms. Rishmawi and Mr. Hammarberg.

(e) The Office of the High Commissioner for Human Rights is requested to produce charts of the missions planned by all special procedures mandates, as well as a chart of technical cooperation programmes planned or under implementation, including the time frame for such technical cooperation projects.

(f) The eighth annual meeting of special rapporteurs should have before it a concise note setting out the status of implementation of the recommendations contained in the study prepared by Ms. Rishmawi and Mr. Hammarberg.

(g) The seventh annual meeting welcomes the development of the database for thematic mechanisms and recommends that this database be extended, as soon as possible, to cover all geographical special procedures mandates.

Human Rights and corporate responsibility

(h) An open-ended informal inter-sessional working group will be established by the Chairperson of the seventh annual meeting. It will report on its activities to the eighth annual meeting in 2001.

(i) The seventh annual meeting recommends that, subject to available resources, a study of cases of alleged corporate involvement in human rights violations be prepared by the Office of the High Commissioner for Human Rights.

Draft code of conduct

(j) The Chairperson of the seventh annual meeting is requested to monitor developments in respect of the draft code of conduct for experts on mission other than secretariat officials in the General Assembly, with the assistance of the secretariat, and to report on her activities to the eighth annual meeting.

(k) The draft guiding principles for special rapporteurs will be reviewed and revised and merged with the Manual for Special Rapporteurs. This issue will be considered by the eighth annual meeting.

Monitoring activities and technical cooperation activities

(l) The seventh annual meeting recommends that the Office of the High Commissioner for Human Rights prepare, in time for the eighth annual meeting, a short study on the link between the recommendations of special procedures mandate holders and the formulation and implementation of technical cooperation programmes.

Review of mechanisms of the Commission on Human Rights

(m) The participants request an opportunity to discuss any issues arising from the review of mechanisms of the Commission with the Bureau of the fifty-seventh session of the Commission. They request the Chairperson to follow up on this issue, with the assistance of the secretariat

Human rights defenders

(n) The Chairperson will contact the new Special Rapresentative of the Secretary-General after his/her appointment and seek information about his/her proposed activities; information received will be transmitted to all special rapporteurs. The eighth annual meeting will devote particular attention to issues of cooperation between the new Special Representative of the Secretary-General for human rights defenders and other special procedures mandate holders.

Peace-making and human rights

(o) The High Commissioner for Human Rights should encourage the members of the Security Council to take into consideration the recommendations of relevant special procedures mandate holders whenever the Council debates peace processes in specific countries or areas of the world. If peacekeeping operations are established, relevant country rapporteurs and relevant thematic procedures of the Commission should be invited to make available their particular expertise.

World Conference against Racism, Racial discrimination, Xenophobia and Relatrd Intolerance

(p) The participants reaffirm the importance of the World Conference, to be convened in 2001. They agree to keep this issue under active review during the inter-sessional period and request the three special rapporteurs formally mandated by Commission on Human Rights resolutions to contribute to the preparatory process of the Conference ,to report on their activities to the eighth annual meeting.

Other matters

106. The seventh annual meeting expresses its appreciation to the secretariat of the Office of the High Commissioner for Human Rights, as well as to the High Commissioner and Deputy High Commissioner themselves, for their assistance and availability.

107. The participants agree to hold their eighth annual meeting from 18 to 22 June 2001.

Appendix I

LIST OF SPECIAL PROCEDURES OF THE COMMISSION ON HUMAN RIGHTS AS OF JUNE 2000

Thematic mandates

Working Group on Enforced or Involuntary Disappearances (Chairperson–Rapporteur: Mr. I. Tosevski)

Working Group on Arbitrary Detention (Chairperson–Rapporteur: Mr. K. Sibal)

Special Rapporteur on extrajudicial, summary or arbitrary executions (Ms. A. Jahangir)

Special Rapporteur on the independence of judges and lawyers (Mr. P. Cumaraswamy)

Special Rapporteur on the question of torture (Sir Nigel Rodley)

Representative of the Secretary-General on internally displaced persons (Mr. F. Deng)

Special Rapporteur on religious intolerance (Mr. A. Amor)

Special Rapporteur on the question of the use of mercenaries (Mr. E. Bernales-Ballesteros)

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (Mr. A. Hussain)

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (Mr. M. Glèlè–Ahanhanzo)

Special Rapporteur on the sale of children, child prostitution and child pornography (Ms. O. Calcetas-Santos)

Special Rapporteur on violence against women (Ms. R. Coomaraswamy)

Special Representative of the Secretary-General on Children and Armed Conflict (Mr. O. Otunnu)

Special Representative of the Secretary-General for human rights defenders (to be appointed)

Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products amd waste (Ms. F.Z. Ouhachi-Vesely)

Special Rapporteur on the human rights of migrants (Ms. Gabriela Rodríguez)

Special Rapporteur on structural adjustment and foreign debt (Mr. Fantu Cheru)

Independent expert on the question of human rights and extreme poverty (Ms. A.-M. Lizin)

Special Rapporteur on the right to education (Ms. K. Tomasevski)

Independent expert on the right to development (Mr. A. Sengupta)

Special Rapporteur on the right to adequate housing (to be appointed)

Special Rapporteur on the right to food (to be appointed)

Country mandates

Special Rapporteur on the situation of human rights in Afghanistan (Mr. K. Hossain)

Special Rapporteur on the situation of human rights in Equatorial Guinea (Mr. G. Gallón Giraldo)

Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran (Mr. M. Copithorne)

Special Rapporteur on the situation of human rights in Iraq (Mr. A. Mavrommatis)

Special Rapporteur on the situation of human rights in Myanmar (Mr. R. Lallah)

Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (Mr. G. Giacomelli)

Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Mr. J. Dienstbier)

Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (Mr. R. Garretón)

Special Rapporteur on the situation of human rights in the Sudan (Mr. L. Franco)

Special Rapporteur on the situation of human rights in Burundi (Ms. M.-Th. Keita-Bocoum)

Special Representative of the Commission on the situation of human rights in Rwanda (Mr. M. Moussalli)

Special Representative of the Secretary-General on the situation of human rights in Cambodia (vacant - to be reappointed)

Independent expert on the situation of human rights in Somalia (Mr. M. Rishmawi)

Independent expert on the situation of human rights in Haiti (Mr. A. Dieng)

Appendix II

LIST OF PARTICIPANTS

Mr. Abdelfattah Amor

Mr. Enrique Bernales-Ballesteros

Ms. Ofelia Calcetas-Santos

Mr. Fantu Cheru

Mr. Maurice Copithorne

Mr. Param Cumaraswamy

Mr. Francis Deng

Mr. Leonardo Franco

Mr. G. Gallón Giraldo

Mr. Roberto Garretón

Mr. Maurice Glèlè-Ahanhanzo

Mr. Kamal Hossain

Mr. Abid Hussain

Mr. Louis Joinet (on behalf of Mr. Sibal)

Ms. Marie-Thérèse Keita-Bocoum

Mr. Rajsoomer Lallah

Mr. Andreas Mavrommatis

Mr. Michel Moussalli

Ms. Fatma Zohra Ouhachi-Vesely

Sir Nigel Rodley

Ms. Gabriela Rodríguez

Mr. Arjun Sengupta

Ms. Katarina Tomasevski

Mr. Ivan Tosevski

Appendix III

DRAFT PROVISIONAL AGENDA FOR THE EIGHTH ANNUAL MEETING

1. Organization of work.

2. Enhancing the effectiveness of the special procedures system and capacity-building.

3. Support services.

4. Human rights and corporate responsibility.

5. Technical cooperation and monitoring activities.

6. Improving the coordination of special procedures on human rights defenders.

7. Consultations with NGO representatives.

8. Cooperation with the human rights treaty bodies.

9. Contribution to the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

10. Consultations with the Bureau of the Commission on Human Rights.

11. Exchange of experiences and information among special procedures mandate holders; any other business.

12. Adoption of the conclusions and recommendations of the eighth annual meeting.

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